

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA,

-v-

BLAKE BENTHALL,  
a/k/a "Defcon,"

Defendant.

- - - - -X

STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

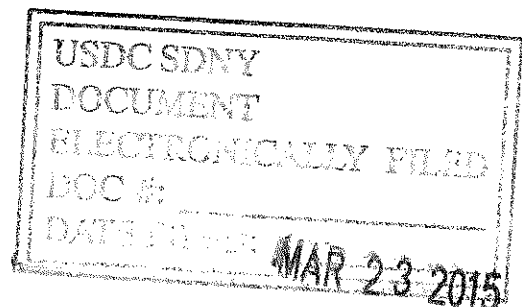
AFFIRMATION IN SUPPORT  
OF THE EXTENSION OF  
AN ORDER OF CONTINUANCE

14 Mag. 2427

Timothy T. Howard, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an extension of the order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

2. On November 5, 2014, the defendant was arrested in San Francisco, California, pursuant to a complaint dated October 29, 2014, which charged the defendant with violations of



Title 21, United States Code, Section 846, and Title 18, United States Code, Sections 1028(f), 1030(b), and 1956(h).

3. The defendant arrived in this District on the evening of November 20, 2014 and was presented before Magistrate Judge Ronald L. Ellis on November 21, 2014 and ordered detained.

4. At the initial presentment on November 21, 2014, counsel for the defendant waived his client's right pursuant to Rule 5 of the Federal Rules of Criminal Procedure to a preliminary hearing within 14 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until December 22, 2014, within which to file an indictment or information.

5. On or about December 22, 2014, Magistrate Judge James C. Francis IV entered an order extending the deadline under the Speedy Trial Act to January 21, 2015. On or about January 21, 2015, Chief Magistrate Judge Frank Maas entered an order extending the deadline under the Speedy Trial Act to February 20, 2015. On or about February 20, 2015, Magistrate Judge Henry B. Pitman entered an order extending the deadline under the Speedy Trial Act to March 23, 2015.

6. Since the defendant's arrest, counsel for the defendant and I have had discussions regarding a possible disposition of this case. The negotiations have not been


completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on March 23, 2015.

7. Therefore, the Government is requesting a 30-day continuance until April ~~23~~<sup>30</sup>, 2015 to continue the foregoing discussions and attempt to reach a disposition of this matter. Defense counsel consents to this request. This request has also been approved by Andrew Dember, Deputy Chief of the Criminal Division.

8. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: New York, New York  
March 23, 2015

  
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Timothy T. Howard  
Assistant United States Attorney  
(212) 637-2308